



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 02 2017

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Scott Christie
Deputy Secretary
Highway Administration
Pennsylvania Department of Transportation
Keystone Building
400 North Street
Harrisburg, PA 17120
Re: Supplemental Clean Water Act Section 308 Information Requirement (3rd 308 Letter)

Dear Mr. Christie:

This Information Requirement follows the United States Environmental Protection Agency's (EPA) previous request submitted to the Pennsylvania Department of Transportation ("Respondent" or "PennDOT") on December 31, 2013 (hereinafter, "2013 Information Requirement"). All factual and legal information contained in the 2013 Information Requirement (copy attached hereto) is incorporated herein by reference. The information required herein is intended to supplement the information previously submitted to EPA in response to 2013 Information Requirement.

To the extent that PennDOT has already submitted information responsive to the 2013 Information Requirement, it is not required to duplicate that information in response to this letter. Responses to all questions below cover the time period from January 1, 2013 through the date of this Information Requirement, unless otherwise directed, including updates semi-annually from the date of this 308 Letter, until this letter is terminated by EPA Region 3. Accordingly, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, PennDOT is directed to provide EPA, in electronic format, the following information:

1. An update of the PennDOT file named "NPDES Projects Statewide" found under "2. All Construction Activities" in PennDOT's September 30, 2015 response to EPA's 2nd 308 Letter. The update shall list each PennDOT construction site by project number. The information below shall be correlated by row to each site:
 - a. a brief site description, site location, including district, county, latitude and longitude;
 - b. site acreage;

- c. the date of NPDES permit coverage for each construction site;
- d. the date when earthmoving began;
- e. the date when the entire site has completed permanent stabilization;
- f. the date when a Notice of Termination (NOT) has been submitted;
- g. whether the site is located within a Municipal Separate Storm Sewer System (MS4) jurisdiction and the name of the jurisdiction;
- h. whether the site has a Post Construction Stormwater Management (PCSM) Best Management Practices (BMP) plan;
- i. all dates, in chronological order, when a County Conservation District (CCD) or Pennsylvania Department of Environmental Protection (PADEP) inspection report identifies failures under "Inspection Findings", including but not limited to reports where the box for "Inspection of this project has revealed site conditions which constitute violations of 25Pa. Code Chapters 92a) and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. Section 691.1. et seq.", has been checked;
- j. all dates, in chronological order, when a PennDOT self-inspection report identifies that actions were needed, along with a brief description of the need, in order to comply with the approved erosion and sediment control plans and/or PPC plans, and the dates when those actions were completed. This information shall be placed on a separate tab/sheet within the same spreadsheet (please refer to the attached spreadsheet format);
- k. all dates, in chronological order, when weekly and/or storm event-related self-inspections were not conducted and/or reports completed, in accordance with NPDES requirements, from the date construction activity commenced. This information shall be placed on a separate tab within the same spreadsheet (please refer to the attached spreadsheet format);
- l. for each site which an NOT and a Long Term Operation and Maintenance Plan has been submitted to PADEP and/or a CCD, list the designation number that correlates each PCSM BMPs at the site to the respective Long Term Operation and Maintenance Plans; and
- m. all inspection dates, in chronological order, correlated to the PCSMs Long Term Operation and Maintenance Plans.

2. Copies of:

- a. the corresponding NPDES permit confirmation letters for each site identified in item 1.a. of this letter;

- b. the pertinent sheets of the Erosion and Sediment Control plans (i.e., overall site plan sheet, legend sheet; narrative sheet(s); specification details sheet(s), location of Best Management Practices (BMP) sheet(s)) for each site identified in item 1 of this Letter;
 - c. all Pollution Prevention and Contingency (PPC) plans for each site identified in Item 1 of this Letter;
 - d. all inspection reports issued by a County Conservation District (CCD) and/or the Pennsylvania Department of Environmental Protection (PADEP) for inspections of PennDOT-owned construction sites identified in item 1 of this letter;
 - e. all PennDOT self-inspection reports for sites identified in item 1 of this letter. These files shall be catalogued in folders by site with file names that will allow for sorting by report date;
 - f. all NOTs submitted for the sites identified in item 1.g.;
 - g. all long term operation and maintenance plans for PennDOT PCSM BMPs filed with PADEP and/or a CCD after 2012;
 - h. all agreements (as identified on page 11 of PennDOT's July, 2014 to July 2016 MS4 Progress Report) with municipalities and highway occupancy permit applicants on which PennDOT relies for maintaining PCSM BMPs in accordance with Part C.3. of the MS4 permit;
 - i. an explanation of how E&S Plans for PennDOT construction sites are consistent with the assumptions and requirements of any assigned WLA as set forth in any applicable TMDL established for the receiving waters.
3. Illicit Discharge Detection and Elimination MCM#3 under the MS4 Permit
- a. A list of outfalls inspected, since the date of issuance of this permit, including a unique designation for each outfall, the location of the outfall by latitude and longitude, date of inspection, a brief note on what was identified during the inspection. This information shall be placed on a spreadsheet; and
 - b. the total number of outfalls owned by PennDOT and the total number of these outfalls inspected located within the urbanized areas.
4. Update on TMDL Planning under the MS4 Permit
- a. For new discharges within urbanized areas, all plans developed for construction projects involving earth disturbance activities for implementing measures to reduce the discharge of pollutants consistent with applicable waste load allocations in applicable approved TMDLs, including the Chesapeake Bay TMDL. Additionally, please provide:

- i. The location of the construction projects;
 - ii. The pollutants of concern specified in the TMDL and the required reduction;
 - iii. The BMPs constructed, their location, and their associated pollutant reduction; and
 - iv. If no plans have been developed for this requirement, please provide a rationale for not developing a plan(s) for each TMDL.
- b. For existing discharges within urbanized areas, all MS4 TMDL plans developed to demonstrate consistency with any applicable TMDL, including the Chesapeake Bay TMDL. Additionally, please provide:
- i. A listing of impaired waters with TMDLs in urbanized areas that receive discharges from the PennDOT system;
 - ii. The location of the outfalls;
 - iii. The pollutants of concern specified in the TMDL and the required reductions;
 - iv. The BMPs constructed, their location, and their associated pollutant reductions; and
 - v. If plans have not been developed for this requirement, please provide a rationale for not developing a plan(s) for each TMDL.

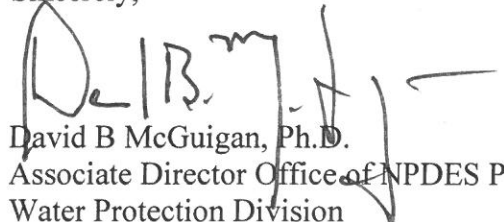
This requirement to submit information is mandatory. Compliance with this requirement does not relieve PennDOT of any liability for violations of the CWA or its implementing regulations. PennDOT may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to PennDOT. This inquiry is not subject to review by the Office of Management and Budget under the Paper Work Reduction Act of 1980, 44 U.S.C. Ch. 35; see 5 C.F.R. § 1320.3(c).

Please forward the required information contained herein along with the statement of certification within ninety (90) calendar days of receipt of this Information Requirement to:

Mr. Chuck Schadel
U.S. Environmental Protection Agency Region 3
Mail code: 3WP42
1650 Arch Street
Philadelphia, Pennsylvania 19103
schadel.chuck@epa.gov

EPA appreciates PennDOT's cooperation and prompt attention to this matter. If you would like an opportunity to confer, or if you have any questions relating to this Information Requirement, please contact Mr. Schadel at 215-814-5761. If you are represented by counsel, please ask your counsel to contact Lori Kier, Esq., at 215-814-2656.

Sincerely,



David B McGuigan, Ph.D.
Associate Director Office of NPDES Perm
Water Protection Division

Enclosures

cc: Mr. Lee McDonnell, PADEP

